



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

April 15, 2020

G. Evan Pritchard, Esq.
Venable LLP
8010 Towers Crescent Dr., Ste. 300
Tysons, Virginia 22182

**RE: Proffered Condition Amendment and Special Exception Amendment Applications
PCA 87-V-064-03 and SEA 94-V-030 – McDonald's USA, LLC
Mount Vernon District**

Dear Mr. Pritchard:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 14, 2020. The Board approved Proffered Condition Amendment Application PCA 87-V-064-03, subject to the executed Proffers dated February 18, 2020.

The Board also approved Special Exception Amendment Application SEA 94-V-030, subject to the following Development Conditions dated February 19, 2020:

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Amendment Plat Generalized Development Plan approved with this application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception Amendment must be in substantial conformance with the approved Special Exception Amendment Plat General Development Plan, entitled "McDonald's/Gunston Plaza" submitted by Balzer and Associates and consisting of 6 sheets dated May 6, 2019, as revised through February 11, 2020, and these development conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A "left-turn only" sign must be placed at the northernmost access point on the lot (Lot 1A).
5. The hours of operation for the fast-food restaurant with drive-through will be 24-hours a day, seven days per week.

Department of Clerk Services
Clerk for the Board of Supervisors
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Fairfax, Virginia 22035

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6. All trash shall be placed in dumpsters which shall be fully screened from view. A gate shall be provided which restricts access to the dumpsters.
7. The applicant shall be responsible for daily pick-up of fast food litter. On a daily basis, the vicinity of the fast food restaurant shall be inspected by the fast food operator and any loose trash shall be picked up and placed in the dumpsters.
8. Irrespective of the location shown on the SEA Plat/GDP, the bicycle racks will be located adjacent to the building.
9. At the time of site plan, the applicant must demonstrate that Low Impact Development (LID) have been incorporated into the site to the satisfaction of Fairfax County Land Development Services (LDS).
10. The Applicant must incorporate into the design and implement the green building technology and strategies listed below. The Applicant must, at the time of site plan review and building plan review, provide a certification statement from a LEED-AP who is also a professional engineer or licensed architect confirming that the green building elements listed below must be incorporated into the design and construction of the project.

Prior to building plan approval for the property, the Applicant must post a "green building escrow," in the form of cash or a letter of credit from a financial institution acceptable to DPWES and defined in the Public Facilities Manual. The amount of the escrow must be \$37,592.00, which is 5% of the total value of the proposed improvements as estimated by the Department of Taxation. The green building escrow must be in addition to and separate from other bond requirements. This escrow must be released once the following conditions have been met:

Prior to final construction bond release, the LEED-AP, who is also a professional engineer or licensed architect, must submit a certification statement including supporting documentation as detailed below, confirming that the green building elements listed below have been incorporated into the design and construction of the building.

Concurrence and acceptance of the certification statement by the Environment and Development Review Branch (EDRB) of DPD.

If the Chief of EDRB does not concur or accept the certification statement, and a review of the documentation determines that the green building elements have not been implemented or included in the design and construction of the project, then the Chief of EDRB must notify the Applicant's LEED-AP. The Applicant's LEED-AP and the Chief of EDRB must meet to discuss the potential deficiencies and to develop appropriate resolutions, which may include substitute techniques or elements that achieve the same intended sustainability or energy conservation benefits. Thereafter, if the Applicant fails to take the necessary corrective actions and have the Applicant's LEED-AP submit a revised certification statement with supporting documentation within 90 days, then the entirety of

the green building escrow for the property must be released to Fairfax County and must be posted to a fund within the county budget supporting implementation of county environmental initiatives. However, if the necessary corrective actions cannot be completed within 90 days, and the Applicant can provide documentation in support of this, then the time period may be extended as determined appropriate by the Zoning Administrator and no release of escrowed funds must be made to either the Applicant or the county during this time period.

Green building elements for inclusion in the project:

1. The Applicant must include a LEED®-accredited professional as a member of the design team. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification. At the time of site plan submission, the applicant will provide documentation to the Environment and Development Review Branch of DPD demonstrating compliance with the commitment to engage such a professional.
2. The Applicant must reuse 100% of the existing building on the on the subject property.
3. The Applicant must exclusively use native and non-invasive species for landscape and other plantings on the site. The Applicant must provide planting lists showing species and location of plantings.
4. The Applicant must install a roofing membrane with a Solar Reflectance Index (SRI) appropriate to the slope of the roof equal to or greater than 85 for all new roof areas, which includes the addition roof and parapet overbuilds of the existing mansard, totaling 1,507 square feet, or 54% of the roof surface. The Applicant must provide proof of installation, roof area calculations and manufacturers' product data.
5. The Applicant must have a construction waste management plan that consists of hiring a waste removal and diversion company to process all construction waste at a recycling center. The Applicant must provide a copy of the waste removal contract as proof of compliance.
6. The Applicant must use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products, as well as furniture and furnishings within the building addition and renovated building areas, if available.

Low-emitting is defined according to the following table:

Application	(VOC Limit g/L less water)
Carpet Adhesive	50
Rubber floor adhesive	60

Ceramic tile adhesive	65
Anti-corrosive/ anti-rust paint	250
Clear wood finishes	350

The Applicant must provide proof of installation and the manufacturers' product data.

7. The Applicant must install only LED lamps in all interior building lighting fixtures. The Applicant must replace all building mounted lights and signs with LED lamps. The Applicant must provide proof of installation, energy usage calculations and manufacturers' product data.
8. The Applicant must install Energy Star appliances and equipment for all new service display equipment. The Applicant must provide proof of installation, installation locations, and manufacturers' product data, including the Energy Star energy guide. ComCheck reports will provided on all new rooftop mechanical equipment for the addition as demonstration of compliance with the 2015 IECC.
9. The Applicant shall upgrade the existing exterior wall thermal envelope throughout the work area, comprising 33% of the existing total exterior wall. All new addition thermal envelope will likewise be brought into full compliance with the 2015 Virginia Energy Conservation Code, resulting in a net improvement to 38% of the proposed exterior wall perimeter. This is an improvement to every exterior wall in the work area.

<u>Component</u>	<u>Existing condition/Improvement</u>
Wall fenestration (Glass)	U-factor of 0.46
Framed Wall	R-20 Batt Insulation in cavity
Addition Roof	R-30 Continuous Insulation over deck
Addition Slab	R-10 Continuous Insulation down to frost depth

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant is responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment will not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment will automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established as evidenced by the issuance of a Non-RUP for the use.

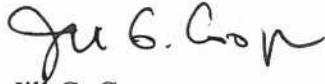
The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

G. Evan Pritchard
April 15, 2020

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For additional information, please go to <http://ldsnet.fairfaxcounty.gov/ldsnet> or contact the Zoning Evaluation Division at (703) 324-1290.

Sincerely,



Jill G. Cooper
Clerk for the Board of Supervisors

Cc: Supervisor Daniel G. Storck, Mount Vernon District
Thomas Reed, Director, Real Estate Division, Dept. of Tax Administration
Tracy D. Strunk, Director, Zoning Evaluation Division, Dept. of Planning and Development
Deputy Zoning Administrator, Dept. of Planning and Development
Michael Liddle, Director, GIS Services, Department of Information Technology
Jeff Hermann, Section Chief, Transportation Planning Division
Andrea Dorlester, Park Planning Branch Manager, FCPA
Abdi Hamud, Program Administrator, DHCD/Design Development Division
Jessica Gillis, Coordinator, Facilities Planning, Fairfax County Public Schools
Michael Guarino, Chief Capital Projects Sections, Dept. of Transportation
Morgan Wolfe, Chief, Bonds & Agreements, Land Development Services

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic) on April 14, 2020, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 87-V-064-03
(Concurrent with Special Exception Amendment Application SEA 94-V-030)**

WHEREAS, McDonald's USA, LLC filed in the proper form an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann., §15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

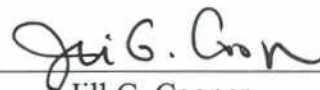
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Mount Vernon District, and more particularly described as follows (see attached legal description):

Be and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., §15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 14th day of April 2020.



Jill G. Cooper

Clerk for the Board of Supervisors